

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 12732-178001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. _____ Date of Deposit _____ Signature _____ Typed or Printed Name of Person Signing Certificate	Application Number 10/717,970	Filed November 21, 2003
	First Named Inventor Yoshifumi Tanada et al.	
	Art Unit 2629	Examiner Stephen G. Sherman
<p>Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>37,640</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<p><input checked="" type="checkbox"/> Total of 5 forms are submitted.</p>		



Signature

John F. Hayden

Typed or printed name

(202) 783-5070

Telephone number

April 16, 2007

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Yoshifumi Tanada et al.	Art Unit	: 2629
Serial No.	: 10/717,970	Examiner	: Stephen G. Sherman
Filed	: November 21, 2003	Conf. No.	: 8011
Title	: DISPLAY DEVICE, DRIVING METHOD THEREOF, AND ELECTRONIC APPARATUS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of Examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1-6, 8-12 and 19-23 are pending in this application with claims 1-3 and 19 being independent. Claims 1, 19, 20 and 23 were rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Number 1,204,087 A1 ("Tokimoto") in view of U.S. Patent Number 6,965,361 ("Sheats"). Claims 2-6, 8-12, 21 and 22 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Publication Number 2003/0117348 ("Knapp") in view of Sheats.

Applicants specifically ask the panel to review the issues highlighted below.

1. Tokimoto and Sheats, either alone or in combination, fail to describe or suggest at least that “the first to n-th light emitting elements are laminated,” as recited in claim 1 and similarly recited in claim 19.

Independent claim 1 recites a display device that includes a pixel comprising first to n-th light-emitting elements that emit different emission colors. The first to n-th light emitting elements are laminated and each of the first to n-th light-emitting elements emits light in a field sequential driving format, where n is a natural number, $2 \leq n$.

The Final Office Action concedes that Tokimoto fails to describe laminating the first to n-th light emitting elements, and turns to Sheats for such description. However, Sheats is equally deficient.

Sheats relates to a display device using organic electroluminescent materials. Sheats at col. 1, lines 5-9. The display device includes light emitting pixels, with each pixel including a transistor, a driving circuit, and an organic light emitting diode (“OLED”). Sheats at Abstract. FIG. 4 of Sheats illustrates a cross-sectional view of the portion of display (80) containing a single pixel. Sheats at col. 4, lines 37-39. As shown in FIG. 4 and described in column 4, lines 44-46, the pixel includes only a single OLED laminated on its transistor (71) and not a plurality of OLEDs laminated together, as recited in claim 1 and shown in FIG. 12 of the present application.

Accordingly, Sheats, like Tokimoto, fails to describe or suggest that “the first to n-th light emitting elements are laminated,” as recited in claim 1. The Advisory Action apparently concedes that Sheats fails to describe or suggest that the two or more light emitting elements are laminated, and appears to suggest that, because Sheats teaches a single OLED lamination and Tokimoto teaches multiple OLEDs without lamination, their combination would result in the lamination of multiple OLEDs, as recited in the claims. Applicants disagree because combining Sheats and Tokimoto in the manner suggested by the Advisory Action constitutes an impermissible hindsight reconstruction of the invention, as neither Tokimoto nor Shears provides any motivation that would have led one of ordinary skill in the art to combine the lamination aspect of Sheats with the multiple OLEDs of Tokimoto to arrive at the recited subject matter.

Furthermore, because neither Sheats nor Tokimoto describes or suggests “the first to n-th light emitting elements are laminated, [where n is a natural number, $2 \leq n$],” as recited in claim 1, their combination would necessarily fail to describe or suggest this feature.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 1 and its dependent claim 20.

Independent claim 19 recites features similar to the above-recited features of claim 1. Therefore, for at least the reasons presented above with respect to claim 1, applicants request reconsideration and withdrawal of the rejection of claim 19 and its dependent claim 23.

2. Knapp and Sheats fail to describe or suggest at least that “the first to n-th light-emitting layers and the first to (n+1)th pixel electrodes are laminated”, as recited in claims 2 and 3.

Similarly to independent claim 1, independent claim 2 recites a display device that includes, among other features, first to n-th light-emitting layers and first to (n+1)th pixel electrodes that are laminated.”

Applicants request reconsideration and withdrawal of the rejection of claim 2 because Knapp and Sheats, either alone or in combination, fail to describe or suggest such laminated light-emitting layers and pixel electrodes. The Final Office Action concedes that Knapp fails to show that the first to n-th light-emitting layers and the first to (n+1)th pixel electrodes are laminated, and relies on Sheats as doing so.

As discussed above with respect to claim 1, Sheats fails to describe or suggest such an arrangement. The Advisory Action suggests that Sheats teaches a single OLED lamination and Knapp teaches multiple OLEDs, and that their combination therefore describes or suggests lamination of multiple light emitting layers and pixel electrodes. Advisory Action at page 3, lines 5-7. Applicants disagree because neither Sheats nor Knapp suggests such an arrangement and because Knapp teaches away from laminating multiple light emitting layers. In particular, Knapp suggests that light-emitting layers and pixel electrodes are not laminated. For example, and referring to FIG. 5, Knapp illustrates a schematic diagram of the layout of display elements within the pixel (10). See Knapp at page 6, paragraph [0075]. Each of the display elements in pixel (10) illuminates one of the corresponding regions 50a-50d. *Id.* For example, the light

emitting layer of area 50a illuminates only region 50a, while light emitting layer of area 50b illuminates only region 50b. As such, while the light emitting layer and the pixel electrode of area 50a may be laminated to each other in a manner such as is set forth by Sheats, the light emitting layer of area 50a and the light emitting layer of area 50b cannot be laminated, and the light emitting layer of area 50a and the pixel electrode of area 50b also cannot be laminated.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 2 and its dependent claims 8 and 21, and independent claim 3 (which recites similar features) and its dependent claims 4-6, 9-12 and 22.

3. Knapp and Sheats also fail to describe or suggest first to n-th current supply lines where the m-th pixel electrode is electrically connected to the m-th current supply line.

Claim 2 also recites, among other features, that each pixel connects to first to n-th current supply lines, another feature that is not taught by Knapp and Sheats.

To show that Knapp teaches the first to n-th current supply lines, the Final Office Action relies on FIG. 4 of Knapp. In particular, the Final Office Action asserts that the control lines (23) of Knapp are the current supply lines. Applicants disagree. The control lines (23), as apparent from their name and as described in paragraph [0065], provide control signals for controlling the current flow through the display elements (11a-11c) by controlling the gate voltage of transistors (22). The current which passes through the display elements (11a-11c) is supplied from the *single* power line (13) and not from the control lines (23).

The Advisory Action asserts, however, that the current supply lines may be broadly construed to cover the control lines (23) taught by Knapp. Applicants disagree because this interpretation directly contradicts both the well understood meaning of "current supply lines" and the teachings of Knapp. Knapp explicitly teaches that the control lines (23) *supply control signals* and not current. Knapp at page 5, paragraph [0058]. Indeed, applicants submit that the control lines (23) *cannot* supply current to the display elements (11a-11c) because of an insulator located between the gate electrode and source and drain electrodes of the transistor (22). As such, the control lines (23) cannot be considered current supply lines.

For the forgoing reasons, applicants submit that the only current supply line that is described by Knapp is the *single* power line (13). As such, Knapp fails to describe or suggest that each pixel connects to first to n-th current supply lines. Sheats similarly fails to describe or suggest this feature. In particular and as shown in FIG. 15 of Sheats, each of the pixels (20, 25, 30, and 35) in the display device (10) includes a *single* current supply line (15).

For at least these additional reasons, applicants request reconsideration and withdrawal of the rejection of claims 2 and 3, and their dependent claims 4-6, 8-12, 21 and 22.

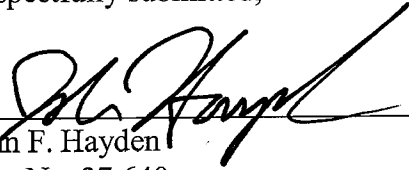
Applicant submits that all claims are in condition for allowance.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

4/16/07



John F. Hayden
Reg. No. 37,640

Fish & Richardson P.C.
1425 K Street, N.W. 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331